



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
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ATLANTA, GEORGIA 30303-8960

MAR 07 2014

Mr. Tom Reeder  
Director  
Division of Water Resources  
North Carolina Department of Environment  
and Natural Resources  
1617 Mail Service Center  
Raleigh, North Carolina 27699-1617

Dear Mr. Reeder:

The purpose of this letter is to approve the revisions to *15A NCAC 2B Surface Water and Wetlands Standards, Section .0300 Assignment of Stream Classification*, submitted to the Environmental Protection Agency for review by letter, dated June 24, 2013 and received on July 2, 2013. This letter addresses the revisions to modify the use designations for the following waterbodies:

Stream	Basin	From	To
Roanoke River, Cononho Creek, Beaverdam Creek, Mill Branch and Skewakee Gut	<i>15A NCAC 02B .0313 – Roanoke River Basin</i>	Class C	Water Supply (WS)-IV or WS-IV Critical Area (CA) or Protected Area (PA)
Maiden Creek, Bee Branch, Maiden Reservoir and Allen Creek	<i>15A NCAC 02B .0308 – Catawba River Basin</i>	WS-II HQW	WS-V

The protective management strategies for WS-IV and WS-V watersheds are outlined in *15A NCAC 2B .0104 Considerations/Assigning/Implementing Water Supply Classifications*, *15A NCAC 2B .0216 Fresh Surface Water Quality Standards for WS-IV waters* and *15A NCAC 2B .0218 Fresh Surface Water Quality Standards for WS-V waters*.

A certification dated May 20, 2013, was included in this submission from the North Carolina Attorney General stating that this revision was duly adopted pursuant to State law and is valid and enforceable in the State of North Carolina. In accordance with 40 CFR Section 131.21(c), new and revised State and Tribal water quality standards are not effective for Clean Water Act (CWA) purposes until approved by the EPA. The EPA approves the revision modifying the designated uses for these waterbodies.

**Roanoke River Basin**

In 2011, Martin County Regional Water and Sewer Authority requested that a portion of the Roanoke River be reclassified from Class C to Class Water Supply (WS) IV, WS-IV Critical Area (CA) and

WS-IV Protected Area (PA). Historically, groundwater has been the source of drinking water in Martin County. However, due to overuse and stress on the aquifer, new rules were put in place to regulate and reduce the withdrawal of groundwater. Under the Central Coastal Plan Capacity Use Area rule of 2002, the Martin County Regional Water and Sewer Authority is required to reduce its use of the Cretaceous Aquifer by 75% within 15 years. This use change request reflects a new surface water withdrawal which will allow that required reduction. The new intake will be constructed to meet water use demands through 2030.

The current classification of the Roanoke River, Cononho Creek, Beaverdam Creek, Mill Branch and Skewakee Gut is Class C. Class C applies to all fresh waters of the State and includes protection for aquatic life propagation, maintenance of biological integrity, fishing, wildlife, secondary recreation, agriculture and any other usages except primary recreation or as a water supply. The WS-IV category is for those waters that are a source of water supply for drinking, culinary, or food-processing purposes for those users where a more protective WS-I, WS-II, or WS-III classification is not feasible. WS-IV waters must also meet all of the requirements for best usage specified for Class C waters under 15A NCAC 02B .0211. The CA designation is for the area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than in the remaining portions of the watershed, typically the land and waters within 0.5 miles above the intake. The PA designation is for the area adjoining and upstream of the CA designated area in a WS-IV watershed. The Division of Water Quality (now the Division of Water Resources (DWR)) conducted studies that found that the water supply standards were met.

A public hearing was held in Williamston, North Carolina on June 5, 2012. Thirteen people registered at the hearing with two providing oral comments, both in support of the reclassification. Staff within the DWR had no objections to the proposal. Under the National Environmental Policy Act, an Environmental Assessment was conducted. A Finding of No Significant Impact was issued.

The proposed 2 MGD water treatment plant will be funded in part under the American Recovery and Reinvestment Act of 2009. The effective date of the reclassification was January 1, 2013.

DWR should note that as flows are reduced by surface water withdrawals, uses of the waters downstream should be reviewed for potential impacts. For instance, a reduction in flow in a segment upstream of a National Pollutant Discharge Elimination System permit may necessitate a review of the flow used in the calculations for effluent limits and revision of permit conditions, as needed.

### **Catawba River Basin**

According to the DWR Hearing Officer Report, the town of Maiden no longer uses portions of Maiden and Allen Creek as a source of water supply. It states that the water treatment plant has been dismantled and that water is currently provided by a long-term contract from the City of Hickory. Therefore, the town has requested that these two portions be reclassified from WS-II CA HQW to WS-V.

WS-II waters are waters protected as water supplies which are generally in predominantly undeveloped watersheds. All water supply watersheds which are either classified as WS-I or WS-II are automatically included as a high quality water (HQW). (DWR notes that this water was never evaluated as a HQW, but rather the HQW classification was automatically applied to this WS-II water under the rules.) WS-V waters are protected as water supplies which are generally upstream of and draining to Class WS-IV waters or waters previously used for drinking water supply purposes, so that the water supply classification will still apply to these waterbodies. For instance, the same numeric criteria requirements

for toxic and other deleterious substances apply to WS-V waters as to Class WS-II. Class C water quality standards apply to all WS-II and WS-V waters.

Nine individuals attended the public hearing for this use change, held on August 16, 2012, in Maiden, North Carolina. Four gave verbal comments with three in favor and one who provided more generalized comments.

The effective date of this change was March 1, 2013.

### **The EPA Review**

Based on a review of the state submittal for these two reclassifications, the EPA finds that the reclassifications each retain all aquatic life uses and supporting water quality criteria of the State's Class C designation, which also apply to WS-IV, WS-IV CA, WS-IV PA and WS-V waters. Therefore, since the water quality criteria and uses of the State's Class C designation provide for protection of the CWA Section 101(a)(2) uses (fishable/swimmable), this revision is consistent with the goals of Section 101(a) of the CWA and the implementing regulations at 40 CFR Part 131. In accordance with Section 303(c) of the CWA and 40 CFR Part 131, the EPA is approving this revision. In accordance with 40 CFR 131.21(c), the revised State waterbodies' primary and supplemental classifications are now considered effective for CWA purposes.

If you have any questions, please feel free to contact me at (404) 562-9345, or have your staff contact Ms. Lisa Perras Gordon at (404) 562-9317.

Sincerely,



James D. Giattina

Director

Water Protection Division

cc: Tom Belnick, NC DWQ NPDES  
Mark Nuhfer, US EPA NPDES  
Dan Olone, Drinking Water Section, US EPA

